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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,879	02/03/2004	Bruce Imsand	I3577/67477	3755
32009	7590	08/24/2005		
			EXAMINER	
			WRIGHT, INGRID D	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,879	IMSAND, BRUCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ingrid Wright	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16, 18-21 is/are rejected.  
 7) Claim(s) 17 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,11 &16 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey (US PN 6229698 B1).

With respect to claim 1, Harvey teaches (Fig. 3-6) a portable computer (1), comprising a computer unit (18), a protective case (2), where the computer unit (18) is removably mounted within the protective case (2); a protective cover (3) that is detachably connected to the protective case (2) to cover the computer unit (18), and a footing mechanism (16,44) that is located on the bottom of the protective case (2), (Fig. 6).

With respect to claim 3, Harvey teaches (Fig. 6,7) the protective case comprises a suspension system (56) that protects the computer unit (18) (col. 6, lines 13-25).

With respect to claim 4, Harvey teaches (Fig. 9) the suspension system (56) comprises an interior protective liner (80) (col. 7, lines 57-66).

With respect to claim 8, Harvey teaches (Fig. 3) the protective cover (3) that stores accessories (25,30,28).

With respect to claim 11, Harvey teaches (Fig. 5) the computer unit (18) having a flat panel screen (20) (col. 3, lines 64+).

With respect to claim 16, Harvey teaches (Fig. 5) the footing mechanism (16,44) comprises a plurality of footing units (44).

With respect to claim 18 &19, the functional recitation that a footing mechanism can adjust the orientation of the protective case to be ergonomically comfortable and can tilt the orientation of the protective case to an angle of up to 18 degrees, has not been given patentable weight it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC par 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of functional language. *In re Fuller*, 1929 C. D. 172; 388 O.G. 279.

With respect to claim 21, Harvey teaches (Fig. 1-6) a portable computer (1), comprising: a computer unit (18); means for protecting (56) the computer unit (18) in a removable case (2); and means for adjusting (10,12,14) the orientation of the removable case (2) for ergonomic comfort of a user of the portable computer (18).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,5,6,7,12,13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (US PN 6229698 B1).

With respect to claim 2, Harvey teaches (Fig. 1-3) a protective case (2),

Harvey does not teach the exterior of the protective case is aluminum.

Official Notice is taken of the fact that a material as aluminum was known in the computer art at the time the invention was made.

It would have been obvious to one having ordinary skill in the computer art at the time the invention was made to use aluminum in the material of the protective case, since it has been held to be within the general skill of a worker in the computer art to select a known material on the basis of its suitability for the intended use as a matter of preference. In re Leshin, 125 USPQ 416.

With respect to claim 5, Harvey teaches (Fig. 9,10) the interior protective liner (80) is a closed cell foam material, but did not specify polyurethane.

Official Notice is taken of the fact that a material as polyurethane was known in the computer art at the time the invention was made.

It would have been obvious to one having ordinary skill in the computer art at the time the invention was made to use polyurethane in the material of the protective liner, since it has been held to be within the general skill of a worker in the computer art to select a known material on the basis of its suitability for the intended use as a matter of preference. In re Leshin,125 USPQ 416.

With respect to claim 6, Harvey teaches (Fig. 9,10) the interior protective liner (80) (col. 7, lines 57-61).

Although, Harvey teaches the protective liner, he is silent as to the thickness.

The Official Notice is taken of the fact that change in size of various elements of the device in order to accommodate the device for a particular application was well known procedure at the time of the invention.

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It would have been obvious to one having ordinary skill in the computer art at the time the invention was made, to select any desirable dimensions for the thickness of the liner including as claimed, in order to provide the most protection for a computer since it has been held, change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

With respect to claim 7, Harvey teaches (Fig. 6-8) the protective cover (3) is detachably connected to the protective case (2) with connectors (latches) (5) (col. 3, lines 23-30).

Although, Harvey does not teach springs, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made, to use springs for latches of Harvey, in order to enhance the latching, since spring loaded latches have been notoriously known & used in relevant arts at the time of the invention.

Regarding claims 9 &10, the claims recite the use of the device. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ 2d 1647 (1987).

With respect to claim 12 & 14, Harvey teaches (Fig. 3) the portable computer (1).

Harvey does not specifically teach the portable computer (1) having a length of 19 inches, a height of 15 inches, and a depth of 6 inches,

The Official Notice is taken of the fact that change in size of various elements of the device in order to accommodate the device for a particular application was well known procedure at the time of the invention.

It would have been obvious to one having ordinary skill in the computer art at the time the invention was made, to select any desirable dimensions for the portable computer including as claimed, in order to provide the most convenient for the user since it has been held, change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

With respect to claim 13, Harvey teaches (Fig. 5) the computer unit (18) having a flat panel screen (20).

Although, Harvey does not teach three panel screens, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add two flat panel screens, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

3. Claims 15 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (US PN 6229698 B1) in view of Crosby (US 2002/0145847 A1).

With respect to claim 15, Harvey teaches (Fig. 3) the computer unit (18).

Harvey does not teach a cooling system that forces air out towards the user.

Crosby teaches (Fig. 11a) a cooling system (col. 5, par. 0066).

It would have been obvious to one having ordinary skill in the computer art at the time the invention was made, to utilize the cooling system of Crosby in the invention of Harvey, in order to provide a means to extract the hot air when the computer unit (18) is in use.

4. Claims 15 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey (US PN 6229698 B1) in view of Crosby (US 2002/0145847 A1) and further in view of Kim et al. (US PN 6775147 B2).

With respect to claim 20, Harvey teaches a computer unit (18)

Harvey teaches does not teach a computer unit supporting a plurality of PCI cards that are held in place by a polyurethane cushion.

Crosby teaches (Fig. 11A, 13) a computer unit supporting a plurality of PCI cards (144),

Crosby does not teach a computer unit supporting a plurality of PCI cards being held in place by a polyurethane cushion.

Kim et al. teaches (Fig. 1) a computer unit (100) supporting a plurality of PCI cards being held in place by a spring (30) of a retaining device (20).

Official Notice is taken of the fact that a material as polyurethane was known in the computer art at the time the invention was made.

It would have been obvious to one having ordinary skill in the computer art at the time the invention was made to use the spring of Kim and the PCI card of Crosby in the invention of Yeung, in order to provide a means to secure the PCI boards and prevent them from moving due to shock (see, for example, col. 3, lines 29-59 of Kim) and use polyurethane in the material of cushion, since it has been held to be within the general skill of a worker in the computer art to select a known material on the basis of its suitability for the intended use as a matter of preference. In re Leshin, 125 USPQ 416.

***Allowable Subject Matter***

4. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 17, the claim recites: "a slide," and "a cradle." These limitations are not taught or shown in the prior art. These limitations in combination with all remaining limitations of claim are believed to render the claims patentable over the art of record.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wiemer (US PN 5872557), Tao (US PN 5717567), Ota et al. (US PN 5883820), Diaz et al. (US PN 2003/0122457 A1), Kropf et al. (US PN 6554133 B1), Faranda et al. (US PN 6307744 B1), Bradbury (US PN 5212628), Brown et al. (US PN 5552957), Ryder (US PN 6597568 B2), Sach (US PN 5774331), Zia et al. (US PN 5242056) & Sprague (US PN 4837590) show the general state of the art regarding portable computer and case configurations.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/19/05  
IDW

**BORIS CHERVINSKY**  
**PRIMARY EXAMINER**

*Boris L. Chervinsky*  
8/22/05